THE PAYMENT OF WAGES ACT, 1936 (IV OF 1936). †

G. N., P. & S. D., No. 3717/34-I, dated 29th April 1942 (B. G., Pt. IV-A, p. 163). S. 1 (5)

In exercise of the functions of the Central Government under sub-section (*5*) of section 1 read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), entrusted to the Government of Bombay by the notification of the Government of India in the Department of Labour, No. M. 1268, dated the 6th August 1941, in relation to mines which are declared by the Government of Bombay to be factories under section 5 of the Factories Act, 1934 (XXV of 1934), and are not subject to the operation of the Indian Mines Act, 1923 (IV of 1923), the Government of Bombay is pleased to extend with effect from the 1st day of May 1942 the provisions of sections 2, 3, 4, 5, 6, 14 to 23 (both inclusive) and 26 of the said Payment of Wages Act, 1936 (IV of 1936), to the payment of wages to all classes of persons employed in the said mines.

G. N., P. & S. D., No. 3717/34-II, dated 29th April 1942 (B. G., Pt. IV-A, p. 163). S. 1 (5)

In exercise of the powers conferred by sub-section (*5*) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to extend with effect from the 1st day of May 1942 the provisions of sections 2, 14, 23 and 26 of the said Act to the payment of wages to all classes of persons employed in those industrial establishments or classes of industrial establishments which have been or may be declared to be factories under section 5 of the Factories Act, 1934 (XXV of 1934), for all or any of the purposes of that Act.

G. N., Lab. D., No. 6378/34, dated 9th June 1949 (B. G., Pt. IV-A, p. 534). S. 1 (5)

In exercise of the powers conferred by sub-section (*5*) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to extend with effect from the 15th day of June 1949, all the provisions of the said Act to the payment of wages to all classes of persons employed in the following industrial establishment, namely:—

"The Ahmedabad Municipal Transport Service, Ahmedabad."

G. N., Lab. D., No. 979/48, dated 18th March 1950 (B. G., Pt. IV-A, p. 129). S. 1 (5)

In exercise of the powers conferred by sub-section (*5*) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to extend with effect from the 1st day of April 1950, the provisions of the said Act to the payment of wages to persons employed in the Bombay Docks.

G. N., Lab. & H. D., No. 918/46, dated 5th October 1950 (B. G., Pt. IV-A, p. 581). S. 1 (5)

In exercise of the powers conferred by sub-section (*5*) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of Government Notification in the Political and Services Department, No. 9639, dated the 11th February 1938, the Government of Bombay is pleased to extend with effect from the 15th October

† For entrustment of functions of the Central Government under the Act in relation to mines and oilfields which are, for the time being factories, within the meaning of clause (*j*) of section 2 of the Factories Act, 1934, *see* G. of I., Dept. of Lab., Notns. No. M. 1268, 13th August 1940 and No. M. 1268, 6th August 1941, under section 124 (*1*) of the Government of India Act, 1935.

1950, all the provisions of the said Act to the payment of wages to all classes of persons employed in such industrial establishments or classes of industrial establishments as have been or may be declared to be factories under section 85 of the Factories Act, 1948, for all or any of the purposes of that Act.

S. 2 **G. O., P. & S. D., No. 1961/34, dated 23rd February 1940.**

For the purposes of paragraph (*a*) of clause (*vi*) of section 2 of the Payment of Wages Act, 1936 (IV of 1936) the Government of Bombay is pleased to order that with effect from the 16th day of December 1939, in the case of cotton spinning, weaving and manufacturing mills situated in the City of Bombay and the municipal borough of Kurla, the value of the difference between the price paid by the employers for grain or other commodities necessary for life stored in grain shops opened by them for the benefit of their employees and the price at which such grain and commodities are sold to the employees, shall be excluded from the definition of the term " wages ".

S. 2 **G. O., P. & S. D., No. 1961/34, dated 12th April 1940.**

For the purposes of paragraph (*a*) of clause (*vi*) of section 2 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to order that, in the case of factories noted below, the value of the difference between the price paid by the employers for grain or other commodities necessary for life stored in grain shops opened by them for the benefit of their employees and the price at which such grain and commodities are sold to the employees, shall be excluded from the definition of the term " wages " with effect from the dates shown against them :—

1.	Western India Match Company, Limited, Ambernath, District Thana.	1st September 1939.
2.	Raymond Woollen Mills, Limited, Thana ..	1st December 1939.
3.	Jam Shri Ranjitsinghji Mills, Limited, Sholapur ..	1st February 1940.
4.	Laxmi Cotton Mills, Limited, Sholapur ..	
5.	Vishnu Cotton Mills, Limited, Sholapur ..	
6.	Narsinggirji Manufacturing Company, Limited, Sholapur.	
7.	Sholapur Spinning and Weaving Company, Limited, Sholapur.	

S. 2 **G. O., P. & S. D., No. 6378/34(1), dated 12th October 1943 (B. G., Pt. IV-A, p. 139).**

For the purpose of paragraph (*a*) of clause (*vi*) of section 2 of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of Government Orders in the Political and Services Department, specified in the margin, the Government of Bombay is pleased to exclude, in the case of all factories situated in the State of Bombay, the value of the difference between the price paid by employees to their employer for foodgrains, cloth, kerosene and other article commonly used by them and the market price of such articles from the definition of the term " wages ".

G. O., P. & S. D., No. 1961/34, dated 9th October 1942 and G. O., P. & H. D., No. 3829/34, dated 21st October 1942.

G. O., P. & S. D., No. 2009/34, dated 20th September 1938. S. 5 (3)

In exercise of the powers conferred by sub-section (*3*) of section 5 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to exempt the person responsible for the payment of wages to persons employed upon the Tarur-Manmad Section of His Exalted Highness the Nizam's State Railway (otherwise than in a factory) situated in the State of Bombay, from the operation of the said section in respect of the wages of any such persons.

G. O., P. & S. D., No. 3829/34, dated 3rd July 1940. S. 5 (3)

In exercise of the powers conferred by sub-section (*3*) of section 5 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to exempt the person responsible for the payment of wages to persons on the list of approved candidates, who are employed upon the Tarur-Manmad Section of His Exalted Highness the Nizam's State Railway, situated in the State of Bombay, from the operation of sub-section (*2*) of the said section 5, in respect of the wages of any such persons, subject to the condition that the wages earned by any such persons shall be paid before the expiry of the tenth working day after the last day of the month in which the wages were earned.

G. O., P. & R. D., No. 9639-B(1), dated 3rd May 1937. Ss. 7 (2) (e) & 11

Amended by G. O., P. & R. D., No. 9639-B, dated 12th July 1937.

For the purpose of clause (*e*) of sub-section (*2*) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of an employed person for the amenities and services supplied by the employer mentioned below :—

(*a*) Cheap grainshops which are conducted subject to the following conditions :—

(1) The employer does not charge any rent for the shop ;

(2) The shop is not conducted for the purpose of profit ;

(3) The selling prices of all goods are displayed in a conspicuous place in the shop ;

(4) All purchases from the shop are voluntary ;

(5) The shop is always kept in a clean condition ;

(6) An Inspector is given a right of entry and a right of inspection of the goods, records and premises and a right to take samples of the goods kept in the shop.

(*b*) Canteens and hostels which are not conducted for the purpose of profit.

(*c*) Sickness benefit funds approved by Government.

(*d*) Supply of working clothing at cost price except in cases where protective clothing is required by any law to be supplied free of cost.

(*e*) Staff of helpers specially engaged in weaving sheds where there is no periodical stoppage for purposes of cleaning.

The deduction in respect of this amenity shall be subject to the condition that the deduction on this account in any period of 14 days shall not be more than two annas per pair of looms.

(*f*) Supply of electric light and water at reasonable rates to employees housed by the employers.

(*g*) The optional Savings Bank of the Bombay Electric Supply and Tramways Company, Limited, Bombay.

(*h*) Supply of materials from the stores of the Bombay Electric Supply and Tramways Company, Limited, Bombay, and the Bombay Port Trust, Bombay, at cost price.

S. 7 (2) (e) **G. O., P. & R. D., No. 9639-B, dated 24th June 1937.**

For the purpose of clause (*e*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed by the Bombay Port Trust for the undermentioned amenity and service supplied by the said Bombay Port Trust :—

Use of the Bombay Port Trust Sports Club, Raynold's Institute.

Ss. 7 (2) (e) & 11 **G. O., P. & S. D., No. 9639-B (1), dated 26th May 1938.**

For the purpose of clause (*e*) of sub-section (*2*) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed by the Bombay Gas Company, Limited, Bombay, in respect of the supply of Gas Coke at wholesale rates, by the said Company to its employees.

S. 7 (2) (e) **G. O., P. & S. D., No. 9639-E, dated 29th August 1940.**

For the purpose of clause (*e*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of employed persons for the undermentioned amenity or service supplied by the employers :—

Supply of one-anna revenue stamps to employed persons drawing more than Rs. 20 as wages.

S. 7 (2) (e) **G. O., P. & S. D., No. 3829/34, dated 30th August 1940.**

For the purpose of clause (*e*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise the following as amenities and services for which deductions may be made from the wages of persons employed on the Tarur-Manmad Section of His Exalted Highness the Nizam's State Railway in the State of Bombay, subject to the condition that such amenities and services are provided to employees by the said Railway administration at their own request, namely :—

(*i*) Supply of stamps on service agreements ;

(*ii*) Supply of uniform when such supply is made in the form of additions to normal free issues or to replace uniforms lost by the employees or uniforms which have become unserviceable before the expiry of their normal life ;

(*iii*) Supply and repair of watches.

G. O., P. & S. D., No. 9639-E, dated 7th September 1940. Ss. 7 (2) (e) & 11.

In exercise of the powers conferred by clause (*e*) of sub-section (*2*) of section 7 and section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed in the Laxmi and Vishnu Cotton Spinning and Weaving Mills, Sholapur, for the amenity supplied to the employed persons for milling at the Flour Mill controlled by the Bombay Company, Limited, subject to the conditions that the charge for milling to the said employed persons shall not be higher than that charged at any other flour mill in the vicinity and that the employed persons are not compelled to get their grain ground at the said Flour Mill.

G. N., P. & S. D., No. 6378/34 (2), dated 12th October 1943 (B. G., Pt. IV-A, p. 139). Ss. 7 (2) (e) & 11.

In pursuance of clause (*e*) of sub-section (*2*) of section 7, read with section 11 of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of Government Orders in the Political and Services Department specified in the margin, the Government of Bombay is pleased to authorise subject to the following conditions, the supply by an employer to his employees of foodgrains, cloth, kerosene and other articles commonly used by them from a grain shop or store operated by him for their private use and at their will as an amenity for which deductions from the wages of such persons may be made, namely :—

Clause (*a*) of Order No. 9639-B (1) of the 3rd March 1937.

(1) The employer shall not charge any rent for the shop or store.

(2) The shop or store shall not be conducted for the purpose of profit.

(3) The selling prices of all articles shall be displayed in a conspicuous place in the shop or store.

(4) The shop or store shall always be kept in a clean condition.

(5) An Inspector shall be given a right of entry and of inspection of the articles, records and premises and a right to take samples of the articles kept in the shop or store.

G. N., Lab. & H. D., No. 66/48, dated 9th August 1950 (B. G., Pt. IV-A, p. 479). Ss. 7 (2) (e) & 11.

For the purposes of clause (*e*) of sub-section (*2*) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of an employed person for the amenity and service specified in Schedule I appended hereto supplied by the Corn Products Company (India) Limited.

G. N., Lab. & H. D., No. 66/48, dated 30th November 1950 (B. G., Pt. IV-A, p. 641). Ss. 7 (2) (e) & 11.

For the purpose of clause (*e*) of sub-section (*2*) of section 7 and section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed by Air-India Limited, Bombay Air-port, Santa-Cruz (East), Bombay 25, for the undermentioned amenity and service supplied by the said Company, viz. :—

Use of the Tata Sports Club subject to the conditions that—

(1) the rate of monthly subscription shall not exceed annas four in the case of employees whose basic salaries or wages amount to Rs. 150 per mensem or less and annas eight in the case of employees in receipt of salaries or wages above Rs. 150 per mensem.

(2) the membership shall be entirely voluntary ;

(3) the employee concerned authorises the deduction in writing and may at any time revoke such authority ; and

(4) the Company reports annually to the Chief Inspector of Factories the amount expended by the Company upon the said club during each calendar year.

Ss. 7 (2) (e) & 11. **G. N., Lab. & H. D., No. 66/48, dated 12th December 1950 (B. G., Pt. IV-A, p. 650).**

For the purpose of clause (*e*) of sub-section (*2*) of section 7 and section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed by Messrs. Crompton Parkinson (Works) Limited, Haines Road, Worli, Bombay 18, for the undermentioned amenity and service supplied by the said Company viz. :—

Use of the Sports Club introduced by Crompton Parkinson (Works) Limited, subject to the conditions that—

(1) the rate of monthly subscription shall not exceed annas four in the case of workers in receipt of salaries of less than Rs. 200 per mensem ;

(2) the membership shall be entirely voluntary ;

(3) the employee concerned authorises the deduction in writing and may at any time revoke such authority ; and

(4) the Company reports annually to the Chief Inspector of Factories the amount expended by the Company upon the said Club during each calendar year.

Ss. 7 (2) (e) & 11. **G. N., Lab. & H. D., No. 66/48, dated 7th March 1951 (B. G., Pt. IV-A, p. 70).**

For the purpose of clause (*e*) of sub-section (*2*) of section 7 and section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed by the Indian Oxygen and Acetylene Company Limited, Bombay, for the undermentioned amenity and service supplied by the said Company, viz. :—

Use of the Indoxco Sports Club subject to the conditions that—

(1) The rate of montnly subscription shall not exceed in case of—

(*a*) persons in receipt of basic salary of Rs. 50 or less—Rs. 0-4-0 per mensem ;

(*b*) persons in receipt of Rs. 51, but not more than Rs. 100—Rs. 0-8-0 per mensem ; and

(*c*) persons in receipt of Rs. 101, but not more than Rs. 200—Rs. 1-0-0 per mensem.

(2) Membership shall be entirely voluntary.

(3) The employee concerned authorises the deduction in writing and may at any time revoke such authority.

(4) The company reports annually to the Chief Inspector of Factories the amount expended by the Company upon the said Club during each calendar year.

(5) The permission for deductions shall cease in case the Company withdraws its monthly *ex gratia* payment.

G. N., Lab. & H. D., No. 66/48, dated 17th July 1951 (B. G., Pt. IV-A, p. 322). Ss. 7 (2) (e) & 11.

For the purpose of clause (*e*) of sub-section (2) of section 7 and section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed by the Indian Naval Dockyard, Bombay, for the undermentioned amenity and service supplied by the said factory, viz. :—

Use of the Indian Naval Dockyard Sports Club subject to the conditions that—

(1) The rate of monthly subscription shall not exceed annas four a month in case of employees whose wages are less than Rs. 200 a month.

(2) Membership shall be entirely voluntary.

(3) The employee concerned authorises the deduction in writing and may at any time revoke such authority.

(4) The Dockyard reports annually to the Chief Inspector of Factories the amount expended by the administration of the Dockyard upon the said Club during each calendar year.

G. N., Lab. & H. D., No. 66/48, dated 26th July 1951 (B. G., Pt. IV-A, p. 346). Ss. 7 (2) (e) & 11.

Amended by corrigendum, Lab & H. D., No. 66/48, dated 24th September 1951.

For the purposes of clause (*e*) of sub-section (2) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of an employed person in respect of the railway passes specified in the Schedule appended hereto provided by the Godrej and Boyce Manufacturing Company Limited (hereinafter referred to as the Company) situated at Vikhroli on the Great Indian Peninsula Railway line and voluntarily accepted by the employed person, subject to the conditions specified therein.

SCHEDULE.

In respect of the quarterly railway passes provided by the Company at its own cost to certain employed persons between Currey Road or Lower Parel and Vikhroli Stations or in between stations the deductions from the wages of those employed persons who resign or leave the service shall be made subject to the following conditions :—

Conditions.

(1) Such resignation or the leaving of the service must be voluntary.

(2) The deductions shall be made on *pro rata* basis for the unexpired portion of the period of the railway pass, such portion being counted from the date on which the employed person resigned or left the service.

(3) An Inspector shall be given a right to enter on the Company's premises and to inspect registers and accounts maintained in respect of the said employed person.

Ss. 7 (2) (e) & 11. **G. N., Lab. & H. D., No. 66/48, dated 6th December 1951 (B. G., Pt. IV-A, p. 540).**

For the purpose of clause (*e*) of sub-section (*2*) of section 7 and section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed by the Mazagaon Dock Limited, Bombay, for the undermentioned amenity and service supplied by the said factory, viz. :—

Use of the Mazagaon Dock Sports Club subject to the conditions that—

(1) the rate of monthly subscription shall not exceed annas four a month in case of employees whose wages are less than Rs. 200 a month ;

(2) membership shall be entirely voluntary ;

(3) the employee concerned authorises the deduction in writing and may at any time revoke such authority ;

(4) the Mazagaon Dock Limited reports annually to the Chief Inspector of Factories the amount expended by the management upon the said Club during each calendar year.

Ss. 7 (2) (e) & 11. **G. N., Lab. & H. D., No. 66/48, dated 7th December 1951 (B. G., Pt. IV-A, p. 541).**

For the purposes of clause (*e*) of sub-section (*2*) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of employed persons for the amenity mentioned below and supplied by the Jubilee Mills, Ahmedabad, and voluntarily accepted by the employed persons subject to the conditions specified below :—

Amenity.

The benefit of the Jubilee Hospital (hereinafter referred to as the medical scheme).

Conditions.

(1) The Deductions from the wages of employed persons accepting the scheme shall be at the rates shown below :—

Rate of wages.		Rate of deduction.
Below Rs. 100 per month	...	Not exceeding Re. 1 per month.
Rs. 100 per month and above	...	Not exceeding 1 per cent. of the monthly wages.

(2) The employed persons shall authorise the deductions in writing and may at any time revoke such authority.

(3) The Jubilee Mills, Ahmedabad, shall report annually to the Chief Inspector of Factories, Bombay, the amount expended by them on the medical scheme during the Calendar year.

(4) The Chief Inspector of Factories, Bombay, shall have right of inspecting registers and accounts maintained in respect of the scheme.

(5) The medical scheme shall be open for inspection by the Certifying Surgeon, Ahmedabad.

(6) The medical scheme shall not be modified or rescinded without previous approval of Government.

G. N., Lab & H. D., No. 66/48, dated 7th December 1951 (B. G., Pt. IV-A, p. 541). Ss. 7 (2) (e) & 11.

For the purposes of clause (*e*) of sub-section (*2*) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of employed persons for the amenity mentioned below and supplied by the Calico Mills, Ahmedabad, and voluntarily accepted by the employed persons subject to the conditions specified below :—

Amenity.

The benefit of the Calico Hospital (herein afterreferred to as the medical scheme).

Conditions.

(1) The Deductions from the wages of employed persons accepting the amenity shall be at the rates shown below :—

Rate of wages.	Rate of deductions.
Below Rs. 100 per month	... Not exceeding Re. 1 per month.
Rs. 100 per month and above	... Not exceeding 1 per cent. of the monthly wages.

(2) The employed person shall authorise the deductions in writing and may at any time revoke such authority.

(3) The Calico Mills, Ahmedabad, shall report annually to the Chief Inspector of Factories, Bombay, the amount expended by them on the medical scheme during the calendar year.

(4) The Chief Inspector of Factories, Bombay, shall have right of inspecting registers and accounts maintained in respect of the scheme.

(5) The medical scheme shall be open for inspection by the Certifying Surgeon, Ahmedabad.

(6) The medical scheme shall not be modified or rescinded without previous approval of Government.

G. N., Lab. & H. D., No. 66/48, dated 29th May 1952 (B. G., Pt. IV-A, p. 564). Ss. 7 (2) (e) & 11.

For the purposes of clause (*e*) of sub-section (*2*) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of the employed persons for the amenity mentioned below and supplied by the Calico Chemical Division of the Ahmedabad Manufacturing and Calico Printing Company, Limited, Ahmedabad and voluntarily accepted by the employed persons subject to the conditions specified below :—

Amenity.

The benefit of the Calico Hospital and Jubilee Hospital (hereinafter referred to as the medical scheme).

Conditions.

(1) Deductions from the wages of employed persons accepting the amenity shall be at the rates shown below :—

Rate of wages.	Rate of deductions.
Below Rs. 100 per month	... Not exceeding Re. 1 per month.
Rs. 100 per month and above	... Not exceeding 1 per cent. of the monthly wages.

(2) The employed person shall authorise the deductions in writing and may at any time revoke such authority.

(3) The Calico Chemical Division of the Ahmedabad Manufacturing and Calico Printing Company, Limited, Ahmedabad, shall report annually to the Chief Inspector of Factories, Bombay, the amount expended by them on the medical scheme during the calendar year.

(4) The Chief Inspector of Factories, Bombay, shall have right of inspecting registers and accounts maintained in respect of the scheme.

(5) The medical scheme shall be open for inspection by the Certifying Surgeon, Ahmedabad.

(6) The medical scheme shall not be modified or rescinded without previous approval of Government.

Ss. 7 (2) (e) & 11.

G. N., Lab. & H. D., No. 66/48, dated 30th May 1952 (B. G., Pt. IV-A, p. 565).

For the purposes of clause (*e*) of sub-section (2) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of employed persons for the amenity mentioned below supplied by the Imperial Chemical Industries (India) Limited, Bombay, and voluntarily accepted by the employed person subject to the conditions specified below :—

Amenity.

The benefit of medical relief, sickness and death scheme as specified in the rules, and bye-laws of the Imperial Chemical Industries Staff Medical Relief Sickness and Death Benefit Association (hereinafter referred to as the medical scheme).

Conditions.

(1) Deductions from the wages of employed persons accepting the amenity shall be at the rates shown below :—

Rate of wages.	Rate of deductions	
Below Rs. 100 per month ..	Not exceeding Re. 1 per month.	*Plus* Rs. 2 payable on admission as a member.
Between Rs. 100 and Rs. 199 per month.	Not exceeding Rs. 1-12-0 per month.	

(2) The employed person shall authorise the deductions in writing and may at any time revoke such authority.

(3) The Imperial Chemical Industries (India) Limited, Bombay, shall report annually to the Chief Inspector of Factories, Bombay, the amount expended by them on the medical scheme during the calendar year.

(4) The Chief Inspector of Factories, Bombay, shall have right of inspecting registers and accounts maintained in respect of the medical scheme.

(5) The medical scheme shall be open for inspection by the Certifying Surgeon, Bombay.

(6) The medical scheme shall not be modified or rescinded without previous approval of Government.

G. N., Lab. & H. D., No. 66/48, dated 11th August 1952 (B. G., Pt. IV-A, p. 899). Ss. 7 (2) (e) & 11.

Amended by corrigendum, D. D. No. 66/48, dated 3rd October 1952.

For the purposes of clause (*e*) of sub-section (*2*) of section 7 and of section 11 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of employed persons for the service mentioned below supplied by Kirloskar Brothers Limited, Kirloskarwadi, and voluntarily accepted by the employed persons subject to the conditions specified below :—

Service.

The benefit of the medical aid (hereinafter referred to as the medical scheme).

Conditions.

(1) The deductions from the wages of employed persons accepting the service shall be at the rates specified in the annexure "A" appended to the award in the case of adjudication between Kirloskar Brothers Limited and the workmen employed under them, as published under Government Notification in the Labour and Housing Department, No. 103/48, dated the 22nd August 1951 ;

(2) The employed persons shall authorise the deductions in writing and may at any time revoke such authority in like manner.

(3) Kirloskar Brothers Limited shall report annually to the Chief Inspector of Factories, Bombay, the amount expended by them on the medical scheme during the calendar year.

(4) The Chief Inspector of Factories, Bombay, shall have the right of inspecting registers and accounts maintained in respect of the medical scheme.

(5) The medical scheme shall not be varied, modified or rescinded without previous approval of Government.

G. O., P. & R. D., No. 9639-B (2), dated 3rd May 1937. Ss. 7 (2) (i) & 11.

For the purposes of clause (*i*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve the following Provident Funds :—

(*a*) Provident Funds established by—

(1) The Kohinoor Mills Company, Limited, Bombay ;

(2) The Tata Mills, Limited, Bombay ;

(3) The Pratap Spinning, Weaving and Manufacturing Company, Limited, Amalner (East Khandesh) ;

(4) Imperial Chemical Industries (India), Limited, Bombay ;

(5) The Indo-Burma Petroleum Company, Limited, Bombay.

(*b*) *The Times of India* Employees' Death Benefit Fund.

(*c*) Family Pension Funds of Governments Servants.

S. 7 (2) (i) **G. O., P. & R. D., No. 9639-B, dated 9th July 1937.**

For the purposes of clause (*i*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve the following Provident Fund :—

"The Union Overseas Provident Fund established by Messrs. Lever Brothers (India), Limited, Bombay."

S. 7 (2) (i) **G. O., P. & S. D., No. 2794/34, dated 20th January 1938.**

For the purposes of clause (*i*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve the following Fund :—

The Kirkee Arsenal Indian Employees' Thrift Fund.

S. 7 (2) (i) **G. O., P. & S. D., No. 9639-E, dated 27th May 1939.**

For the purposes of clause (*i*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve the Provident Fund established by the Bengal Chemical and Pharmaceutical Works, Limited, in respect of its branch factory at Bombay.

S. 7 (2) (i) **G. O., P. & S. D., No. 9609-E, dated 8th January 1940.**

For the purpose of clause (*i*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve the Labour Provident Fund established by Messrs. Alcock Ashdown and Company, Limited, Bombay, subject to the condition that no change in the rules regulating that Fund shall be made without the previous approval of Government.

S. 7 (2) (i) **G. O., P. & S. D., No. 2794/34, dated 22nd February 1940.**

For the purposes of clause (*i*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve with effect from the 1st February 1940 the following fund established by the Ordnance Depot, Bombay :—

"Bombay Depot Indian Employees' Thrift Fund."

S. 7 (2) (j) **G. O., P. & R. D., No. 9639-B (3), dated 3rd May 1937.**

Modified by G. O., P. & S. D., No. 9639, dated 30th May 1940.

For the purposes of clause (*j*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve all Co-operative Societies registered under the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925).

G. O., P. & S. D., No. 9639, dated 30th May 1940. Ss. 7 (2) (j) & 13.

For the purposes of clause (*j*) of sub-section (2) of section 7 and of section 13 of the Payment of Wages Act, 1936 (IV of 1936), and in modification of Government Order in the Political and Services Department, No. 9639-B (3), dated the 3rd May 1937, the Government of Bombay is pleased to approve all Co-operative Societies registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), subject to the condition that deductions from the wages of an employed person shall not be made for the purpose of making payments due in respect of any scheme of insurance other than that maintained by the Indian Post Office, unless such scheme of insurance is approved by Government:

Provided that the said conditions shall not apply to deductions made for payments in respect of any contract of insurance completed before the date of this order.

G. O., P. & S. D., No. 3829/34, dated 2nd August 1940. Ss. 7 (2) (j) & 13.

For the purposes of clause (*j*) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to approve His Exalted Highness the Nizam's State Railway Employees' Co-operative Credit Society, Limited, Secunderabad (Deccan), as a society for payments to which deductions from the wages of its members who are employed on the Tarur-Manmad section of His Exalted Highness the Nizam's State Railway, situated in the State of Bombay, may be made under the provisions of sub-section (2) of the said section 7; and

Under section 13 of the said Act to impose the condition that such deduction shall not be made unless the member concerned has authorised in writing the making thereof.

G. N., Lab. Deptt., No. 66/48, dated 27th March 1949 (B. G., Pt. IV-A, p. 363). S. 7 (2) (j).

In exercise of the powers conferred by clause (*j*) of sub-section (2) of section 7 and section 13 of the Payment of Wages Act, 1936 (IV of 1936), and in modification of Government Order in the Political and Services Department, No. 9639, dated the 30th May 1940, the Government of Bombay is pleased to approve all co-operative societies registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), for the purposes of the said clause (*j*), subject to the condition that deductions from the wages of an employed person for the purpose of making payments of premia due to the Bombay Co-operative Insurance Society Limited, Bombay, shall not exceed $\frac{1}{8}$th of the wages of such persons.

G. N., P. & S. D., No. 9639, dated 12th August 1940 (B. G., Pt. IV-C, p. 1193). S. 7 (2) (k).

In exercise of the powers conferred by clause (*k*) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to declare the "British War Savings Movement" and the "Savings Group Scheme" approved by the Bombay Provincial Committee for encouraging support of the Government of India Defence Loans, to be approved War Savings Schemes for the purposes of the said clause.

G. N., P. & S. D., No. 9639, dated 15th October 1940 (B. G., Pt. IV-A, p. 1012). S. 7 (2) (k).

In exercise of the powers conferred by clause (*k*) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay

is pleased to declare all Savings Card Schemes which enable the purchase of Defence Savings Certificates in exchange for Defence Savings Stamps to be approved war savings schemes for the purposes of the said clause.

S. 7 (2) (k). **G. N., P. & S. D., No. 3829/34, dated 4th Oct. 1941 (B. G., Pt. IV-A, p. 230).**

In exercise of the powers conferred by clause (*k*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to declare all War Savings Schemes which are administered by the Administration of His Exalted Highness the Nizam's State Railway and which enable persons employed on that Railway to purchase any of the following securities of the Government of India, namely :—

(1) the Government of India Defence Bonds,

(2) the Post Office Ten-Year Defence Savings Certificates,

to be approved War Savings Schemes for the purposes of the said clause, in respect of the staff employed on the Tarur-Manmad Section of His Exalted Highness the Nizam's State Railway situated in the State of Bombay.

S. 15 (1). **G. N., Lab. & H. D., No. 66/48, dated 14th May 1951 (B. G., Pt. I, p. 2770).**

Amended by G. N., Lab. & H. D. No. 66/48, dated 22nd November 1951.

Amended by G. N., Lab. & H. D., No. 66/48, dated 5th May 1952.

In exercise of the powers conferred by sub-section (*1*) of section 15 of the Payment of Wages Act, 1936 (IV of 1936) and in supersession of Government Notification in the Political and Reforms Department, No. 1552/34, dated the 16th April 1937, the Government of Bombay is pleased to appoint the following officers to be the authorities to hear and decide within the areas specified against the names all claims arising out of deductions from the wages or delay in payment of the wages of persons employed or paid in those areas :—

Designation of Officers.	Areas.
(1) The Commissioner for Workmen's Compensation, Bombay.	Greater Bombay.
(2) Shri M. N. Nagrashna, B.Sc., LLB., Judge, Labour Court, Ahmedabad.	Ahmedabad Taluka of the Ahmedabad District.
(3) The Joint Civil Judge (Junior Division), Jalgaon.	Jalgaon Taluka of the East Khandesh District.
(4) The Judges of the Courts of Small Causes at Poona and Baroda.	The areas within the limits of their respective jurisdiction.
(5) All Civil Judges (Junior Division) and where there are no Civil Judges (Junior Division), Civil Judges (Senior Division), in the State of Bombay except the Civil Judges (Senior Division) and Civil Judges (Junior Division) exercising jurisdiction within the following areas :— (*i*) Ahmedabad Taluka of the Ahmedabad District ; (*ii*) Jalgaon Taluka of the East Khandesh District : and (*iii*) the areas falling within the jurisdiction of the Judges of the Courts of Small Causes at Poona and Baroda.	The areas within the limits of their respective jurisdiction.

G. of I., Dept. of Industries and Labour, Notn. No. L. 3067, 24th February 1937, republished in G. N., P. & R. D., No. 9639, dated 2nd March 1937.

S. 26 (1) Payment of Wages (Procedure) Rules, 1937.

In exercise of the powers conferred by sub-section (*1*) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), read with section 22 of the General Clauses Act, 1897 (X of 1897), the Governor* General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (*5*) of section 26 of the first named Act, namely :—

RULES.

1. *Short title.*—These rules may be called the Payment of Wages (Procedure) Rules, 1937.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " the Act " means the Payment of Wages Act (IV of 1936) ;

(*b*) " appeal " means an appeal under section 17 ;

(*c*) " the authority " means the authority appointed under sub-section (*1*) of section 15 ;

(*d*) " the Court " means the court mentioned in sub-section (*1*) of section 17 ;

(*e*) " employer " includes the persons responsible for the payment of wages under section 3 ;

(*f*) " section " means a section of the Act ;

(*g*) " Form " means a form appended to these rules ;

(*h*) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

3. *Form of Application.*—Applications under sub-section (*2*) of section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B or Form C, as the case may be, one copy of which shall bear such court-fee as may be prescribed.

4. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

5. *Permission to appear.*—Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

6. *Presentation of documents.*—Applications or other documents relevant to an application may be presented in person to the Authority at any time during hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

7. *Refusal to entertain application.*—(1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that—

(*a*) the applicant is not entitled to present an application, or

(*b*) the application is barred by reason of the provisions in the provisos to sub-section (*2*) of section 15, or

* The powers under section 26 now vest in the State Government.

(*c*) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been made good, the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (*2*) of section 15.

8. *Appearance of parties.*—(1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application :

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the application reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

9. *Record of Proceedings.*—(1) The Authority shall in all cases enter the particulars indicated in Form F and at the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

10. *Signature on forms.*—Any forms, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

11. *Exercise of powers.*—In exercising the powers of a Civil Court conferred by section 18 the Authority shall be guided in respect of procedure by the relevant orders of the first Schedule of the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

12. *Appeals.*—(1) An appeal shall be preferred in duplicate in the form of a memorandum one copy of which shall bear the prescribed court-fee, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction.

(2) When an appeal is lodged a notice shall issue to the respondent in form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary, may confirm, vary, or set aside the direction from which the appeal is preferred, and shall make an order accordingly.

13. *Inspection of documents.*—Any employed person, or any employer or his representative, or any person permitted under sub-section (*2*) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of such fees as may be prescribed.

FORM A.

FORM OF INDIVIDUAL APPLICATION.

[*See* sub-section (2) of section 15 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for area.

Application No. of 19 .

A.B.C. BETWEEN applicant ;

(through a legal practitioner / an official of

which is a registered trade union).

X.Y.Z. AND opposite party.

The applicant states as follows :—

1. *A.B.C.* is a person employed in / on the factory / railway / industrial establishment entitled and resides at

The address of the applicant for the service of all notices and processes is :—

2. *X. Y. Z.*, the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is :—

3. (1) The applicant's wages have not been paid for the following wage period(s) (give dates)

Or A sum of Rs. has been unlawfully deducted from his wages of (amount) for the wage period(s) which ended on [give date(s)].

(2) [Here give any further claim or explanation.]

4. The applicant estimates the value of the relief sought by him at the sum of rupees

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(*a*) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted.

(*b*) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner, official of a registered trade union duly authorised.

FORM B.

FORM OF GROUP APPLICATION.

[See sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for area.

Application No. of 19 .

BETWEEN

A.B.C. and (state the number) others

applicants :

(through a legal practitioner / an official of

which is a registered trade union)

AND , opposite party.

X,Y,Z,

The applicants state as follows :—

1. The applicants whose names appear in the attached schedule are persons employed in / on the factory / railway / industrial establishment entitled.

The address of the applicants for service of all notices and processes is :—

2. *X.Y.Z.*, the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is :—

3. The applicants' wages have not been paid for the following wage period(s) :—

4. The applicants estimate the value of the relief sought by them at the sum of rupees

5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for :—

(*a*) Payment of the applicants' delayed wages as estimated or such greater or lessor amount as the Authority may find to be due.

(*b*) Compensation amounting to

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a registered trade union duly authorised.

SCHEDULE.

Names of applicants :—

1.

2.

3.

4.

*

*

FORM C.

FORM OF APPLICATION BY AN INSPECTOR OR PERSON PERMITTED BY THE AUTHORITY OR AUTHORISED TO ACT.

[See sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act, for area.

Application No. of 19 .

BETWEEN

A.B.C., [(*designation*) an Inspector under the payment of Wages Act] *or* a person $\frac{\text{permitted by the authority}}{\text{authorised}}$ to act under sub-section (2) of section 15] applicant ;

AND

X.Y.Z. the opposite party.

The applicant states as follows :—

1. *X.Y.Z.*, the opposite party is the person responsible under the Act for the payment of wages to the following person(s) :—

(1)

(2)

(3)

*

*

2. His address for the service of all notices and processes is :—

3. The wages of the said person (s) due in respect of the following wage period(s) have not been paid. / have been subjected to the following illegal deductions :—

4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs.

5. The applicant prays that a direction may be issued under sub-section (*3*) of section 15 for :—

(*a*) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted.

(*b*) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature.

FORM D.

CERTIFICATE OF AUTHORISATION.

I / We employed person(s) hereby authorise a legal practitioner / an official of which is a registered trade union to act on my / our behalf under section 15, and section 17 of the Payment of Wages Act (IV of 1936) in respect of the claim against on account of the { delay in payment of / illegal deductions from } my / our wages for

Witnesses	(1)	Signatures	(1)
	(2)		(2)
	(3)		(3)
	(4)		(4)
	*		*
	*		*
	*		*

I accept the authorisation.

Signature.

Legal practitioner. / Official of a registered trade union.

FORM E.

NOTICE FOR THE DISPOSAL OF APPLICATION.

To

Whereas under the Payment of Wages Act, 1936 (IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day of 19 at o'clock in the $\frac{\text{fore}}{\text{after}}$ noon to answer the claim ; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day of 19

Seal.

Authority.

FORM F.

RECORD OF DIRECTIONS.

(1) Serial number

(2) Date of the application

(3) Name or names, parentage, address, or addresses of the applicants, or some or all of the applicants belonging to the same unpaid group :—

(4) Name and address of the employer :—

(5) Amount claimed :—

(*a*) as delayed wages : Rs.

(*b*) as deducted from wages : Rs.

(6) Plea of the employer and his examination (if any) :—

(7) Finding, and, in the case of a direction under sub-section (*3*) or (*4*) of section 15, a brief statement of the reasons therefor :—

Rs.

(8) Amounts awarded—

(*a*) Delayed wages

(*b*) Deducted wages

(9) Compensation awarded

(10) Penalty imposed

(11) Costs awarded to—

(*i*) Court-fee charges

(*ii*) Pleader's fee

(*iii*) Witnesses expenses

Signed

Dated

Note.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL UNDER SECTION 17 OF THE PAYMENT OF WAGES ACT, 1936.

Appeal from the decision of the Authority for the area, dated the day of 19 .

To

Respondent.

Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for area has been presented by *X. Y. Z.* (and others), and registered in this Court, and that the day of 19 , has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this day of 19 .

Seal of the Court

Judge.

G. N., P. & R. D., No. 9639, dated 1st March 1937 (B. G., Pt. IV-A, pp. 237-249).

Ss. 26 (2), (3) & (4). Bombay Payment of Wages Rules, 1937.

Amended by G. N., P. & R. D., No. 9639, dated 9th March 1937.

Amended by G. N., P. & S. D., No. 9639, dated 27th Jan. 1938.

Amended by G. N., P. & S. D., No. 9639, dated 26th Jan. 1939.

Amended by G. N., P. & S. D., No. P. 119, dated 12th Sept. 1939.

Amended by G. N., P. & S. D., No. 9639, dated 21st Nov. 1939.

Amended by G. N., P. & S. D., No. 9639, dated 7th Nov. 1942.

Amended by G. N., Lab. D., No. 66/48, dated 21st June 1949.

Amended by G. N., Lab. & H. D., No. 531/48, dated 7th July 1952.

Amended by G. N., Lab. & H. D., No. 531/48, dated 26th July 1952.

In exercise of the powers conferred by sub-sections (*2*), (*3*) and (*4*) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Governor in Council is pleased to make the following rules, namely :—

1. *Title.*—These rules may be called the Bombay Payment of Wages Rules, 1937.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " the Act " means the Payment of Wages Act (IV of 1936) ;

(*b*) " the Authority " means the authority appointed under sub-section (*1*) of section 15 of the Act ;

(*c*) " the Chief Inspector of Factories " means the Chief Inspector of Factories appointed under sub-section (*2*) of section 10 of the Factories Act (XXV of 1934) ;

(*d*) " the Court " means the Court mentioned in sub-section (*1*) of section 17 of the Act ;

(*e*) " deduction for breach of contract " means a deduction made in accordance with the provisions of the proviso to sub-section (*2*) of section 9 ;

(*f*) " deduction for damage or loss " means a deduction made in accordance with the provisions of clause (*c*) of sub-section (*2*) of section 7 ;

(*g*) " Form " means a form appended to these rules ;

(*h*) " Inspector " means the inspector authorised by or under section 14 of the Act ;

(*i*) " person employed " excludes all persons to the payment of whose wages the Act does not apply ;

(*j*) " section " means a section of the Act ;

(*k*) " paymaster " means an employer or other person responsible under section 3 of the Act for the payment of wages ;

(*l*) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

Section 26 (2) and (3) (a).

3. *Register of Fines.*—(1) In any factory or industrial establishment in respect of which the employer has obtained approval under sub-section (*1*) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) Vouchers or receipts in connection with any expenditure from the fines fund shall be produced for the scrutiny of the Inspector when required by him.

4. *Register of deductions for damage or loss.*—In every factory and industrial establishment in which deductions for damage or loss are made the paymaster shall maintain the Register required by sub-section (*2*) of section 10 in Form II.

5. *Register of Wages.*—A Register of Wages shall be maintained in every factory and industrial establishment and may be kept in such form as the paymaster finds convenient but shall include the following particulars :—

(*a*) the gross wages earned by each person employed for each wage-period ;

(*b*) all deductions made from those wages, with an indication in each case of the clause of sub-section (*2*) of section 7 under which the deduction is made ;

(*c*) the wages actually paid to each person employed for each wage-period.

6. *Maintenance of Registers.*—The registers required by rules 3, 4, 5 and 17 shall always be made available for inspection by the Inspector and be preserved by the employer for three years after the date of the last entry made in them.

Section 26 (3) (c).

7. *Weights, Measures and Weighing Machines.*—All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory or industrial establishment shall be examined in accordance with the provisions of the Bombay Weights and Measures Act, 1932. If an Inspector considers that any action should be taken under the said Act, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act for necessary action.

Section 26 (3) (d).

8. *Notice of dates of payment.*—The paymaster shall display, in a conspicuous place at or near the main entrance of the factory or of the industrial establishment, as the case may be, a notice in English and in the language of the majority of the persons employed.

Section 26 (3) (a), (e), (f) and (h).

9. *Prescribed authority.*—In the case of persons employed by the Municipal Corporation for the City of Bombay, the Municipal Commissioner for the City of Bombay, and in all other cases, the Chief Inspector of Factories shall be the authorities competent to approve under sub-section (*1*) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (*3*) of section 8, the purposes on which the proceeds of fines shall be expended.

10. *Application in respect of fines.*—Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9—

(*a*) a list in English, in duplicate, clearly defining such acts and omissions;

(*b*) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing those appointments in his facto strial e h
ss order n
t of eacl r
ts.—The e

n the preceding rule may, after such enquiry as he considers neces- pass orders either—

(*a*) disapproving the lists,

(*b*) approving the lists either in their original form or as amended by him, in which case such lists shall be considered to be approved lists,

provided that no order disapproving or amending any lists shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the lists as submitted by him should be approved.

12. *Posting of list.*—The employer shall display at or near the main entrance of the factory or the industrial establishment, as the case may be, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

13. *Persons authorized to impose fines.*—No fine may be imposed by any persons other than an employer, or a person holding an appointment named in a list submitted under rule 10.

14. *Procedure in imposing fines and deductions.*—Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

15. *Information to paymaster.*—The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars so that the register described in rule 3 or rule 4 may be duly completed.

Section 26 (3) (g).

16. *Deductions for breach of contract.*—(1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless—

(*a*) [illegible] orming part of the terms of the contract of ice of the termination of his employment

not exceed fifteen days or the wage-period,

(*ii*) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(*b*) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory or of the industrial establishment, as the case may be, and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made ;

(*c*) a notice has been displayed at or near the main entrance of the factory or of the industrial establishment, as the case may be, giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction shall be remitted :

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory or of the industrial establishment, as the case may be, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (*c*) of sub-rule (2) no deduction for breach of contract shall be made from any persons who has complied with these conditions.

Section 26 (2) and 26 (3) (i).

17. *Advances.*—(1) An advance of wages, not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalment shall exceed one-third, or where the wages for any wage period are not more than twenty rupees one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances granted under sub-rule (1) shall not exceed 6¼ per cent. per annum.

Section 26 (2), 26 (3) (a) and 26 (3) (b).

18. *Annual Return.*—The paymaster shall send a return in Form IV in respect of every factory and industrial establishment so as to reach the authority appointed under rule 9 not later than 15th of February following the end of the calendar year to which it relates.

19. (1) *Display of rates of wages.*—In every cotton spinning and weaving factory and in every artificial silk factory, a notice shall be displayed by the paymaster in each department of the factory, specifying the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervisions or management or those who are employed in a confidential position in accordance with the provisions of the Bombay Factories Rules, 1935.

(2) In every industrial establishment, a notice shall be displayed by the paymaster, specifying the rates of wages payable to all persons employed in such establishment other than those who are employed in positions of supervision or management.

Section 26 (3) (i).

20. *Costs.*—(1) Where the authority or the Court, as the case may be, directs that any costs shall not follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may be awarded shall include—

(*a*) the charges necessarily incurred on account of court fees;

(*b*) the charges necessarily incurred on subsistence money to witnesses; and

(*c*) pleader's fees which shall ordinarily be Rs. 10 provided that the Authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

21. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or the Court, as the case may be :

Provided that the Authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of costs.

Section 26 (3) (k).

22. *Fees.*—The fee payable in respect of proceedings under the Act shall be :—

(*i*) For every application to summon a witness.	Four annas in respect of each witness.
(*ii*) For every other application made by or on behalf of an individual person before the Authority.	Eight annas.
(*iii*) For every other application made by or on behalf of an unpaid group before the Authority.	Four annas for each member of the group, subject to a maximum of five rupees.
(*iv*) For every appeal lodged with the Court.	Five rupees.

Provided that the Authority or the Court may, in consideration of the proverty of the applicant, reduce or remit this fee :

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

Section 26 (3) (l).

23. *Abstracts.*—The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

Section 26 (4).

24. *Penalties.*—Any breach of rules 3, 4, 5, 6, 8, 12, 15, 18 and 19 of these rules shall be punsihable with fine which may extend to two hundred rupees.

FORM I.

REGISTER OF FINES.

Name of Factory / Industrial Establishment :—

Name of operative fined.	Father's name or Ticket number.	Department.	Act or omission for which fine was imposed.	Amount of fine.	Designation of officer imposing fine.	Date on which fine was imposed.
1	2	3	4	5	6	7

Whether workman showed cause against fine or not. If so, enter date.	Wages payable*.		Total amount of fines.	Date or dates on which fines or total fines were recovered.	Remarks.
	Amount.	Wage period†.			
8	9	10	11	12	13

* By "Wages Payable" is meant the gross wages earned by a workman : for time workers the wages due for the pay period less deductions for absence from duty : for piece workers the wages due on production—in both cases without deductions for fines or for services rendered by the employer.

†Here enter month if payment is made by the English calendar month. In the case of other pay periods, enter "week", "fortnight", or "hapta" as the case may be, giving the dates covered by the pay period.

FORM II.

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO EMPLOYERS THROUGH THE NEGLECT OR DEFAULT OF EMPLOYED PERSONS IN RESPECT OF GOODS EXPRESSLY ENTRUSTED TO THEM FOR CUSTODY.

Name of $\frac{\text{Factory}}{\text{Industrial Establishment}}$:—

Serial No.	Name.	Father's name or Ticket number.	Department.	Damage or loss caused.	Amount of deduction imposed.	Designation of officer imposing deduction
1	2	3	4	5	6	7

Date when deduction imposed.	Whether worker showed cause against deduction or not.	No. of instalments, if any, in which deduction is proposed to be recovered.	Date on which total amount of deduction imposed was realised.	Remarks.
8	9	10	11	12

FORM III.

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS.

Name of $\frac{\text{Factory}}{\text{Industrial Establishment}}$:—

Serial No.	Name.	Father's name or Ticket number.	Department.	Date and amount of advance made.
1	2	3	4	5

Purpose(s) for which advance made.	No. of instalments by which advance to be repaid.	Postponements granted.	Dates on which total amount repaid.	Remarks.
6	7	8	9	10

FORM IV.

DEDUCTIONS FROM WAGES.

Return for the year ending 31st December 19

1. (*a*) Name of Factory / Industrial Establishment ...

(*b*) Postal Address ...

* (*c*) Class of Factory / Industrial Establishment ...

†2. Average number of workers employed daily—

‡ On day-shift ... ... (Men)
(Women)

‡ On night-shift ... ... (Men)

Total

†3. Actual number of days worked during the year—

‡ On day-shift ... ...

‡ On night-shift ... ...

§4. Total wages paid including deductions under clauses (*d*) to (*j*) of sub-section (*2*) of section 7 of the Payment of Wages Act, 1936, but not other deductions.

Rs. a. p.

(Men)...
(Women)

Total ...

5. Number of cases and amounts realized as—

——	No. of cases.	Amount.
(*a*) Fines		
(*b*) Deductions for damage or loss		
(*c*) Deductions for breach of contract		

* *e.g.*, cotton mill, iron foundry, flour mill, etc.

† Information should only be given for those workers whose wages payable are less than Rs. 200 per month.

‡ If any factory runs more than two shifts, the information should be given separately or each shift, *e.g.*, 1st shift, 2nd shift and 3rd shift.

§ Basic Wages, dearness or dear food allowance and bonus should be separately shown.

6. Disbursements from fine fund—

——	Amount.	Purpose.
	Rs.	

	Amount.
	Rs. a. p.

7. Actual balance of fine fund in hand as on the 31st December 19 inclusive of previous years ...

Signature :

Dated 19 . Designation :

FORM V.

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936, AND THE RULES MADE THEREUNDER.

Whom the Act affects.

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.

2. No employed person can give up by contract, or agreement, his rights under the Act.

Definition of wages.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes :—

(*a*) the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Central Government or the State Government ;

(*b*) the employer's contribution to a pension or provident fund ;

(*c*) travelling allowance or concession or other special expenses entailed by the employment ;

(*d*) any gratuity payable on discharge.

Responsibility for and method of payment.

4. The manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

Fines and deductions.

8. No deductions shall be made from wages except those authorised under the Act (*see* paragraphs 9—15 below).

9. Except in the case of Municipal factories in the Town and Island of Bombay—

(1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation.

(2) Fines—

(*a*) shall not exceed half-an-anna in the rupee ;

(*b*) shall not be recovered by instalments, or later than sixty days of the date of imposition ;

(*c*) shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Chief Inspector of Factories ;

(*d*) shall not be imposed on a child.

10. (*a*) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wages for the wage periods, as the time he was absent in that period is to the total time he should have been at work.

(*b*) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

(1) no deduction for breaking a contract can be made from a person under 15 or a woman.

(2) there must be a provision in writing which form part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker must be given to the employer and that wages may be deducted in lieu of such notice.

(3) The above provision must be displayed at or near the main entrance of the factory.

(4) No deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory.

(5) No deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of Government.

13. (*a*) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.

(*b*) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(*c*) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of four month's wages without the permission of an Inspector.

These advances can be recovered by instalments, spread over not more than 18 months and the instalments must not exceed $\frac{1}{3}$rd, or if the wages are not more than Rs. 20, $\frac{1}{4}$th of the wages for any wage period.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the State Government or to the postal insurance, subject to any conditions imposed by the State Government.

Inspections.

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

Complaints of deductions or delays.

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union Inspector under the Act, or other person acting with the permission of the Authority can make the omplaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

Action by the Authority.

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

Appeal against the Authority.

19. An appeal against a direction made by the Authority may be preferred, within 30 days [1](in *Madras/*Bombay/*Calcutta/*Rangoon to the Court of Small Causes) to the District Court—

(*a*) by the paymaster if the total amount directed to be paid exceeds Rs. 300 ;

(*b*) by an employed person, if the total amount of wages withheld from him or his co-workers exceeds Rs. 50 ;

(*c*) by a person directed to pay a penalty for a malicious or vexatious application.

Punishments of breaches of the Act.

20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deductions from wages is liable to a fine up to Rs. 500, but only if prosecuted with the sanction of the Authority or the appellate Court.

21. The paymaster who,

(1) does not fix a wage-period, or

(2) makes payment in kind, or

(3) fails to display at or near the main entrance of the factory this abstract in English and in the language of the majority of the employed persons, or

(4) breaks certain rules made under the Act.

is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.

S. 26 Bombay Payment of Wages (Unclaimed Amounts) Rules, 1943.

G. N., P. & S. D., No. 6520/34, dated 19th July 1943 (B.G., Pt. IV-A, p. 109).

In exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title.*—These rules may be called the Bombay Payment of Wages (Unclaimed Amounts) Rules, 1943.

[1] ( ) may be omitted by all States other than Madras, Bombay, Bengal and Burma.

* Omit the towns not concerned.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Act " means the Payment of Wages Act, 1936 ;

(*b*) " Authority " means the officer appointed under sub-section (*1*) of section 15 of the Act to hear and decide claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed ;

(*c*) " financial year " means the year commencing on the first day of April ;

(*d*) " section " means a section of the Act :

(*e*) " Treasury " means in the City of Bombay the Reserve Bank of India, and elsewhere the Government Treasury ; and

(*f*) words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. *Amounts unclaimed for three years to be credited to State Government.*—Where any worker to whom an amount is directed to be paid under section 15 or any person entitled to claim it on his behalf fails to draw it from the Authority within a period of three years from the date on which the amount is deposited with or received by the Authority for payment to the worker concerned, it shall at the end of the financial year be paid into the Treasury to the credit of the State Government as deposit unclaimed for the eventual benefit of any person who may duly establish his claim thereto.

4. *List of amounts unclaimed to be posted in the office of the Authority every year.*—

(*i*) In the month of January of each year, a list showing the amounts which at the end of the financial year will be due for being credited to the State Government under rule 3 and the names of persons to whom the said amounts are payable, shall be posted up in the office of the Authority.

(*ii*) If the said amounts are not claimed by any persons before the 25th March in that year the Authority shall pay the said amounts into the Treasury to the credit of the State Government on the forenoon of 31st March in that year.

(*iii*) In the month of April following, the Authority shall furnish to the Accountant General, Bombay, a statement of all the amounts credited to the State Government showing separately the said amounts in serial order, the names of persons to whom they were payable and the dates on which the said amounts were credited to the State Government.

5. *Refund.*—If any person proves to the satisfaction of the Authority that he is entitled to any amount credited to the State Government under rule 3, the Authority shall make an application in the form annexed hereto to the Accountant General, Bombay, for the refund of the said amount and the Accountant General shall refund the said amount to the Authority after verifying that it had been received by him and was credited to the State Government under rule 3.

FORM.

(Rule 5.)

Application for Refund.

Office of the Authority under the
Payment of Wages Act.*
Date

To

THE ACCOUNTANT GENERAL, BOMBAY.

Sir,

I have the honour to report that a claim has been preferred by for an amount of Rupees (Rupees) bearing Serial No. of 19 in the Statement furnished to you under sub-rule (3) of rule 4 of the Bombay Payment of Wages (Unclaimed Amounts) Rules, 1943, which was credited to the State Government on the day of 194 .

2. I have satisfied myself of the validity of the claim, and request that the Treasury Officer may be authorised to refund the said amount.

Your obedient servant,

Authority under the Payment of Wages Act.*

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* Here insert the name of the area for which an Authority has been appointed under section 15 (*1*) of the Act.